

STATE OF VERMONT  
HUMAN SERVICES BOARD

In re	)	Fair Hearing No. 15,806
	)	
Appeal of	)	
	)	

INTRODUCTION

The petitioner appeals the decision by the Department of Social and Rehabilitation Services (SRS) denying her application for a Family Day Care Home Registration Certificate. The issue is whether the facts that supported the recent revocation of the petitioner's certificate also support the denial of her reapplication.

FINDINGS OF FACT

1. The petitioner was the subject of Fair Hearing No. 15,588, in which the Board upheld the Department's revocation of the petitioner's Family Day Care Home Registration.

2. The petitioner does not now contest the facts found by the Board in that decision.

3. Following the Board's decision, the petitioner reapplied for a day care home registration, and was denied by the Department on the basis of its and the Board's findings in Fair Hearing No. 15,588.

4. The petitioner maintains that she has tried to correct the problems found in Fair Hearing No. 15,588. She now lives at that address that was originally registered, and would no longer allow the house next door to be used for

day care. She admits she made mistakes and states that she will abide by all the Department's rules and will cooperate in any inspections of her property. She does not believe that the transgressions that led the Department to revoke her registration should constitute a lifetime bar to her becoming registered to provide day care.

ORDER

The Department's decision is affirmed.

REASONS

33 V.S.A. § 306(b)(3) and 3 V.S.A. § 814 authorize the Commissioner of SRS to issue licenses and registrations for day care families, and to deny or terminate registrations for "cause after hearing".

In this case, the Department based its denial of the petitioner's reapplication on the Board's findings and conclusions in Fair Hearing No. 15,588. As noted above, the petitioner does not dispute the facts found in Fair Hearing No. 15,588. It must be concluded that on the basis of these facts the Department was well within its discretion to deny the petitioner's reapplication for a registration certificate that was made so close on the heels of its revocation of the petitioner's previous registration.

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